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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Summary record of the 11th meeting
Held at Headquarters, New York, on Friday, 24 June 2016, at 10 a.m.

Chair: Mr. Ramírez Carreño ..... (Bolivarian Republic of Venezuela)

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Report of the Pacific Regional Seminar

The meeting was called to order at 10.25 a.m.

Adoption of the agenda

1. *The agenda was adopted.*

Requests for hearing

2. **The Chair** drew attention to the requests for hearing relating to French Polynesia (aide-memoire 05/16) and to New Caledonia (aide-memoire 06/16). He took it that the Committee wished to grant those requests.

3. *It was so decided.*

Question of French Polynesia (A/AC.109/2016/7, A/AC.109/2016/L.24 and aide-memoire 05/16)

Hearing of petitioners

4. **The Chair** said that, in accordance with the Committee's usual practice, petitioners would be invited to take a place at the petitioners' table and would withdraw after making their statements.

5. **Mr. Tuheiava** (Union pour la démocratie), speaking as a representative of his party in the Assembly of French Polynesia, said that while it had been three years since the adoption of General Assembly resolution 67/265 reinscribing French Polynesia on the list of Non-Self-Governing Territories, the administering Power had yet to transmit the information required under Article 73 *e* of the Charter.

6. According to international law and numerous General Assembly resolutions, the people of French Polynesia, like other indigenous peoples, enjoyed in particular permanent sovereignty over their natural resources, including the marine resources within its almost 5-million-square-kilometre exclusive economic zone. Following the decision of the United Nations Commission on the Limits of the Continental Shelf to allow a French claim for half a million square kilometres in New Caledonian waters — a clear violation of the inalienable rights of indigenous peoples under international law — the administering Power had recently announced plans to submit a claim for an extended continental shelf in French Polynesian waters, without consultation with the people or elected government of the Territory. His people once again appealed to the administering Power to refrain from resource grabs that compromised their future development and asked the Special Committee to take the matter up with the United Nations Commission on their behalf.

7. Another violation of its obligations under the Charter of the United Nations was the failure of the French Government to provide compensation for the effects of nuclear testing.

8. The Committee must be careful to distinguish mere colonial reform from decolonization. A new accord on his Territory's political status being drafted in Paris, with no consultation, sought to extend the French policy of assimilation so as to bring the Territory closer to integration with France without the consent of its people. Such an accord could not replace a genuine process of self-determination free of external interference. France should stop trying to sidestep the agreed transfer of powers, and it should implement the General Assembly resolutions on French Polynesia, including the provisions for political education programmes to make the people aware of the political status options open to them.

9. In conclusion, he urged the Committee to update the resolution it would adopt on the Territory to include references to the 2014 resolution adopted the Assembly of French Polynesia on nuclear compensation, 195810 and to affirm the right of his people to their natural resources, including their marine resources.

10. **Mr. Brotherson** (Deputy Mayor, Faa'a, Tahiti) said that, as a result of three decades of French nuclear testing and 193 nuclear explosions, his people were dying of radiation-induced genetic damage, and the United Nations was in a position to generate the unbiased studies needed for the victims and their families to receive appropriate compensation. Unfortunately, the report of the Secretary-General on the environmental, ecological, health and other impacts of the 30-year period of nuclear testing in French Polynesia (A/69/189) had been woefully inadequate, as only two of the 22 United Nations agencies contacted had provided substantive replies. One — the reply of the International Atomic Energy Agency (IAEA) — had been based on an outdated IAEA report, which had erroneously found the health impact of the nuclear tests to be negligible. Nevertheless, IAEA had the potential to play a useful role in a more comprehensive approach to the issue.

11. He once again requested that an extensive independent report on French nuclear testing in French Polynesia prepared in 2014 by expert scientists be circulated as a document of the General Assembly, and that the United Nations Scientific Committee on the Effects of Atomic Radiation add the impact of French nuclear testing in the South Pacific to its programme of work. He was astonished that the historic 2014 resolution of the Assembly of French Polynesia, calling on France to acknowledge the colonial nature of its nuclear testing programme, was not mentioned in either the 2015 or the 2016 working papers on French Polynesia (A/AC.109/2015/16 and A/AC.109/2016/7), General Assembly resolution 70/100 on the question of French Polynesia or the Committee's current draft resolution (A/AC.109/2016/L.24) on that subject.

12. His people continued to be denied justice and reparation for the effects of nuclear radiation because of their situation of dependency. French Polynesia had expended significant effort and resources to be reinscribed on the list of Non-Self-Governing Territories and would work closely with the Committee to ensure that it was decolonized. It would also keep the issue of nuclear compensation before the United Nations until justice was served.

13. **Mr. Corbin** (Dependency Studies Project) said that, in establishing the basis for the reinscription of French Polynesia on the list of Non-Self-Governing Territories, the Project had used self-governance indicators based on the minimum standards of self-government, as defined in international instruments, which had been formulated with specific reference to small island non-independent countries. Its assessments classified the countries as either non-self-governing, autonomous, or partially or fully integrated into the administering State. Such self-governance assessments had proved useful to the Territories in the absence of the periodic analyses of the implementation of the Declaration on decolonization that should have occurred in the context of the three International Decades for the Eradication of Colonialism.

14. In the case of French Polynesia, the Project had analysed indicators in three dimensions: constitutional-political, economic-social and military-strategic. According to the results of its analysis, French Polynesia had been mischaracterized as autonomous. The dependency governance arrangement had been modernized in form and nomenclature, but not in substance. That finding had provided the substantive basis for the adoption by the General Assembly of resolution 67/265 recognizing French Polynesia as a Non-Self-Governing Territory.

15. As one of the petitioners had mentioned, France was developing a new autonomy accord for French Polynesia. The Committee should examine closely whether that accord represented true decolonization or was simply a form of colonial modernization. The Dependency Studies Project was prepared to conduct the standard assessment of the accord and would share its findings with the Committee.

16. **Mr. Arcia Vivas** (Bolivarian Republic of Venezuela) said that, in addition to complying with its obligations under Article 73 *e* of the Charter, France must step up the decolonization process in French Polynesia and lay the groundwork for self-determination based on the options provided in the Declaration on decolonization. It was vital for the Committee to take a stand on the people's sovereignty over their natural resources and to request further studies on the impact of nuclear radiation.

17. **The Chair** informed the Committee that consideration of the draft resolution on the question of French Polynesia had been deferred to allow for further consultations.

Question of New Caledonia (A/AC.109/2016/11, A/AC.109/2016/L.23 and aide-memoire 06/16)

Hearing of petitioners

18. **The Chair** said that, in accordance with the Committee's usual practice, the petitioner would be invited to take a place at the petitioners' table and would withdraw after making his statement.

19. **Mr. Wayaridri** (Mouvement populaire calédonien) said that the vast majority of New Caledonians were proud to be both Kanak and French. Of all of the Melanesian peoples, his enjoyed the greatest freedom, the highest standard of living, the most modern public services and the best health care. Unlike their neighbours, they also had access to free education from primary school through university. The vast majority of New Caledonians thought in terms of emancipation, not colonialism or decolonization.

20. The time had come for the loyalists to make their voices heard in the United Nations. While the parties of the Front de libération nationale kanak et socialiste (FLNKS) had their place in a democratic society, they

obviously could not claim to be the sole representatives of the Kanak people. Moreover, the accusations which they levelled against France — their claim of cultural genocide, for example — were outrageous. At home, those same separatists looked to France for subsidies, financial assistance and development contracts for the provinces and communes under their control.

21. Despite the repeated accusations of FLNKS, the United Nations expert mission to the special administrative commissions had found no evidence that France or its "local accomplices" had rigged the provincial elections. Its claim that Kanak voters were being excluded from the electoral rolls for the 2018 referendum was equally unfounded.

22. **Mr. Lamek** (France) said that, as administering Power, France continued, as always, to cooperate fully and transparently on the question of New Caledonia. In January, it had transmitted the information required under Article 73 *e* of the Charter, and in March, it had welcomed the United Nations independent experts who would observe the work of the special administrative commissions responsible for updating the electoral rolls.

23. France was anxious to facilitate the democratic and political process leading to the 2018 referendum on self-determination. If the New Caledonian legislature did not set a date for it by May 2018, his Government was bound under the Organic Law concerning New Caledonia to set one in its place so that the referendum could be held in the second half of 2018.

24. As an attentive and benevolent partner, France was assisting the Territory's economic adjustment by continuing to provide substantial financial support. It was careful to ensure that the local authorities exercised their powers and that Kanak customs were respected, and it sought to encourage New Caledonians to find common positions on sensitive subjects in preparation for their choice of a common destiny.

25. Under the 1998 Noumea Accord, France was gradually and irreversibly transferring to New Caledonia a range of powers over areas other than defence, security and justice, and it accompanied each transfer with the necessary human, material and financial resources. In the spirit of the Accord, it was preparing New Caledonia to exercise full sovereignty, should it so desire, through the aforementioned gradual transfer of powers and through the establishment of a local legal system.

Draft resolution A/AC.109/2016/L.23

26. **Mr. Sarufa** (Papua New Guinea), introducing the draft resolution on the question of New Caledonia on behalf of his country and Fiji, said that the Committee and the United Nations as a whole should pay close attention the fluid situation in New Caledonia and should work closely with all stakeholders, including the administering Power. It was critical for all to work together to resolve the serious concerns about the electoral process and the transfer of powers identified by the 2014 visiting mission.

27. In view of the fast-approaching 2018 deadline for the referendum, the previous year's resolution had been updated to underscore the importance of a timely transfer of powers. It had also been amended to highlight the need for voter education and voter registration in preparation for the self-determination process, particularly in the case of the indigenous Kanak peoples, and to welcome the decision of the administrative Power to invite a visiting mission of United Nations experts to observe the work of the special administrative commissions and the advisory committee of experts in connection with the special electoral list, whose recommendations the Committee looked forward to examining. A new preambular paragraph underscored the centrality of safeguarding the inalienable rights of the people of New Caledonia, and especially the Kanak peoples, over their natural resources and property.

28. At the conclusion of the inaugural FLNKS chairmanship of the Melanesian Spearhead Group, Fiji and Papua New Guinea wished to congratulate FLNKS on a job well done. Such cooperative efforts not only fostered friendship, understanding and constructive engagement, but also provided opportunities for representatives of Non-Self-Governing Territories to build leadership and decision-making skills at the regional or international level that were imperative for their future destiny. Their two countries reaffirmed their commitment to work in partnership with all stakeholders in New Caledonia.

29. **Mr. Arcia Vivas** (Bolivarian Republic of Venezuela), explaining his delegation's position, said that the draft resolution addressed all the pertinent issues. It applauded the efforts of the administering Power and the other stakeholders and recognized the diversity of opinion within the Territory. The Noumea Accord represented an understanding among all

parties, and its fulfilment was fundamental to the success of the decolonization process. The administering Power and all sectors of New Caledonian society should continue to attend carefully and constructively to all aspects of the electoral process, giving due consideration to the demographic concerns expressed. In particular, immigration must not be allowed to affect the decolonization process. Lastly, his delegation called on the administering Power to respect and protect the sovereignty of the Kanak people over their natural resources.

30. *Draft resolution A/AC.109/2016/L.23 was adopted.*

Question of American Samoa (A/AC.109/2016/L.8)

Draft resolution A/AC.109/2016/L.8

31. *Draft resolution A/AC.109/2016/L.8 was adopted.*

Question of Anguilla (A/AC.109/2016/L.9)

Draft resolution A/AC.109/2016/L.9

32. *Draft resolution A/AC.109/2016/L.9 was adopted.*

Question of Bermuda (A/AC.109/2016/L.10)

Draft resolution A/AC.109/2016/L.10

33. *Draft resolution A/AC.109/2016/L.10 was adopted.*

Question of the British Virgin Islands (A/AC.109/2016/L.11)

Draft resolution A/AC.109/2016/L.11

34. *Draft resolution A/AC.109/2016/L.11 was adopted.*

Question of the Cayman Islands (A/AC.109/2016/L.12)

Draft resolution A/AC.109/2016/L.12

35. *Draft resolution A/AC.109/2016/L.12 was adopted.*

Question of Guam (A/AC.109/2016/L.14)

Draft resolution A/AC.109/2016/L.14

36. *Draft resolution A/AC.109/2016/L.14 was adopted.*

Question of Monserrat (A/AC.109/2016/L.15)

Draft resolution A/AC.109/2016/L.15

37. *Draft resolution A/AC.109/2016/L.15 was adopted.*

Question of Pitcairn (A/AC.109/2016/L.16)

Draft resolution A/AC.109/2016/L.16

38. *Draft resolution A/AC.109/2016/L.16 was adopted.*

Question of Saint Helena (A/AC.109/2016/L.17)

Draft resolution A/AC.109/2016/L.17

39. *Draft resolution A/AC.109/2016/L.17 was adopted.*

Question of the Turks and Caicos Islands (A/AC.109/2016/L.18)

Draft resolution A/AC.109/2016/L.18

40. *Draft resolution A/AC.109/2016/L.18 was adopted.*

Question of the United States Virgin Islands (A/AC.109/2016/L.19)

Draft resolution A/AC.109/2016/L.19

41. *Draft resolution A/AC.109/2016/L.19 was adopted.*

Organization of work

42. **Mr. Arcia Vivas** (Bolivarian Republic of Venezuela) said that his delegation welcomed the Committee's decision to consider each Non-Self-Governing Territory separately again, rather than grouping them in an omnibus resolution, so that more time and energy could be devoted to the situation in each Territory. The Committee must work tirelessly to bring about the decolonization of the small island Territories.

43. The Caribbean region was a central focus of the foreign policy of his Government, which had consistently backed efforts to strengthen regional ties with newly independent countries. In addition to supporting the Community of Latin American and Caribbean States (CELAC), it had launched its own initiatives: Petrocaribe, a programme which allowed participating Caribbean States to purchase oil from his country on preferential terms, and the Bolivarian Alliance for the Peoples of Our America (ALBA). It would continue to do its utmost to promote self-determination for the peoples of the region.

44. The Committee should encourage the participation in its informal meetings and seminars of governmental and non-governmental representatives promoting a variety of self-determination options, including independence. It must insist that the

administering Powers place their Territories on the road to self-determination, including independence. He was confident that steps would be taken to educate the peoples of the Territories about their inalienable right to self-determination and to ensure that their numbers were not diluted by uncontrolled or politically motivated immigration.

45. The Committee and the other relevant United Nations bodies had a duty to help the small island Non-Self-Governing Territories mitigate the effects of climate change and, in general, to help them to attain the Sustainable Development Goals. It also should give constructive consideration to the topic of financial activity in those Territories, with particular attention to the risk of their being used as tax havens, and it should assess the negative impact of military bases in some regions.

46. His delegation reminded the administering Powers to respect the sovereignty of indigenous peoples over their own resources and appealed to them to make a serious effort to promote economic development, diversification and sustainability, so that the decolonized peoples would not be economically dependent on the former colonial Power or at the mercy of transnational corporations.

47. His comments did not apply to the sovereignty dispute between Argentina and the United Kingdom over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas.

48. **Mr. Cousiño** (Chile) thanked the Committee for breaking up the omnibus resolution, as proposed by his delegation at the 2015 Caribbean Regional Seminar; the new approach had allowed the Committee to take a closer look at the situation of each one. Regarding the mediation on the subject of Puerto Rico approved at a recent meeting, he would appreciate clarification of the details.

49. **The Chair** said that it had been decided to adopt a proposal advanced by some petitioners for the Chair to explore the possibility of a dialogue between the Government of the United States and pro-independence Puerto Ricans.

Economic and other activities which affect the interests of the peoples of the Non-Self-Governing Territories (A/AC.109/2016/L.22)

Draft resolution A/AC.109/2016/L.22

50. *Draft resolution A/AC.109/2016/L.22 was adopted.*

Report of the Pacific Regional Seminar (A/AC.109/2016/CRP.1)

51. **The Chair** drew attention to the draft conclusions and recommendations of the Pacific Regional Seminar, which had been held in Managua, Nicaragua, from 31 May to 2 June 2016 (A/AC.109/2016/CRP.1).

52. **Mr. Cousiño** (Chile) said that, with the invaluable assistance of the secretariat and the Decolonization Unit, the drafting team had worked late to make final corrections to the report. The delegations could rest assured that their contributions to the seminar were accurately reflected. He wished to recognize the Rapporteur's tremendous contribution to both the seminar and its final document.

53. **The Chair** said he took it that the Committee wished to adopt the draft conclusions and recommendations of the 2016 Pacific Regional Seminar, for inclusion in the report of the Special Committee to the seventy-first session of the General Assembly.

54. *It was so decided.*

The meeting rose at noon.